

**IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: GICHERU, AKIWUMI & LAKHA J.J.A.)
CIVIL APPEAL NO. 56 OF 1988**

BETWEEN

1. BEATRICE WAMBUI on behalf of the ESTATE OF CRISPUS MBANU MATAMA

2. JOHN MUIGAI KAGO

3. GEOFFREY KIHU KAGOAPPELLANTS

AND

PHARES NJOROGERESPONDENTS

(Appeal from the Judgment of the High Court of Kenya
(Honourable Mr. Richard Kwach, Commissioner of
Assize) dated 17th March, 1988

in

H.C.C.C. NO. 728 OF 1984)

RULING OF THE COURT

The record of appeal in this matter lacks a certified copy of the decree which makes the appeal incurably defective and incompetent. For these reasons we will strike out the appeal with no order as to costs.

Dated and delivered at Nairobi this 1st day of October, 1996.

J. E. GICHERU

.....
JUDGE OF APPEAL

A. M. AKIWUMI

.....
JUDGE OF APPEAL

A. A. LAKHA

.....
JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR.